

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

STEPHANIE JONES, et al.,

Plaintiffs,

v.

MERCK & COMPANY, INC., et al.,

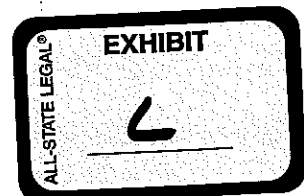
Defendants.

Case No.: 2:05-CV-427-RDP

ORDER

Pending before the court are Plaintiff's Motion to Reconsider Order Granting Defendant's Motion to Stay and Motion for Oral Argument (Doc. #20) filed on April 15, 2005, and Defendant Merck & Co., Inc.'s Opposition to Plaintiff's Motion to Reconsider Order Granting Defendant's Motion to Stay (Doc. #22) filed on April 22, 2005. Plaintiff's Motion to Reconsider Order Granting Defendant's Motion to Stay and Motion for Oral Argument is **GRANTED IN PART** and **DENIED IN PART**. More specifically, Plaintiff's Motion for Oral Argument is **GRANTED** as the court held a telephone conference in this case on April 25, 2005, beginning at 2:00 p.m.

However, with respect to Plaintiff's Motion to Reconsider Order Granting Defendant's Motion to Stay, as discussed during the conference call, the court recently received a letter from the Judicial Panel on Multidistrict Litigation dated April 5, 2005, enclosing a copy of the conditional transfer order relating to the transfer of this case to MDL-1657—*In re Vioxx Products Liability Litigation*. In light of this development and for the reasons set forth in Defendant Merck & Co., Inc.'s Opposition to Plaintiff's Motion to Reconsider Order Granting Defendant's Motion to Stay, Plaintiff's Motion to Reconsider Order Granting Defendant's Motion to Stay is **DENIED**.



DONE and ORDERED this 25th day of April, 2005.

A handwritten signature in black ink, appearing to read "R. David Proctor", written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE

Case 2:05-cv-00165-MHT-VPM Document 20 Filed 04/26/2005 Page 1 of 1

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

YOLANDA KING,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:05cv165-T
)	(WO)
MERCK & COMPANY, INC., a)	
foreign corporation,)	
et al.,)	
)	
Defendants.)	

ORDER

It is ORDERED that Merck & Co, Inc.'s motion to stay (Doc. No. 8) is granted and that this cause is stayed pending a decision by the MDL panel as to whether this case should be transferred to an MDL court.

DONE, this the 26th day of April, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE

FILED
2005 Jun-30 AM 10:39
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JUANELL Y. McBRAYER WILKES, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 05-RR-1214-S
)	
MERCK & CO., INC., et al.,)	
)	
Defendants.)	

ORDER

(Re Defendants' Motion to Stay, ct. doc. 5; Plaintiff's Motion to Remand, ct. doc. 7)

The complaint and the parties' submissions concerning the above-stated motions have been studied. The plaintiffs allege that the treating resident physicians knew sufficient information about Vioxx and Celebrex to appreciate that neither should have been prescribed to the plaintiffs. They also contradictorily allege that Merck concealed material information from the physician defendants, who would have acted differently if properly warned regarding the risk and dangers associated with Vioxx and Celebrex. Moreover, the plaintiffs' only allegation against the physicians is the conclusory allegation that they "negligently, wantonly, and/or wrongfully prescribed and/or provided samples of the brand-name prescription drugs Vioxx and Celebrex to the plaintiffs with actual and/or constructive knowledge of the risk and dangers associated with the use of Vioxx and Celebrex."

Complaint ¶ 63. Under Alabama law,

In any action for injury, damages, or wrongful death, whether in contract or in tort, against a health care provider for breach of the standard of care the plaintiff shall include in the complaint a detailed specification and a factual description of each act and omission alleged by plaintiff to render the health

care provider liable to plaintiff and shall include when feasible and ascertainable the date, time, and place of the act or acts. . . . any complaint which fails to include such detailed specification and factual description of each act and omission shall be subject to dismissal for failure to state a claim upon which relief may be granted.

Ala. Code § 6-5-551. It is noted that numerous cases against Merck have been filed in this court and have been transferred to the MDL court.

Because of the contradictory allegations against the physician defendants, and the failure of the complaint to comply with Alabama law concerning specificity in making allegations against physicians, it appears to be a good possibility that it will be determined that the individual defendants were fraudulently joined. If it were clear that these physicians were not fraudulently joined, and if judges from this district were ruling on the motions to remand, this motion to stay might be denied and the motion to remand ruled on. The opposite being the event, and in order to have consistent rulings, the motion to stay is **GRANTED**, and all proceedings in this case, including the motion to remand, are **STAYED** pending action by the MDL court.

DONE this 30th day of June, 2005.


ROBERT R. ARMSTRONG, JR.
UNITED STATES MAGISTRATE JUDGE

A district has the authority to stay proceedings in cases pending before it. Landis v. North American Co., 299 U.S. 248 (1936); CTI-Container Leasing Corp. v. Uiterwyk, 685 F.2d 1284 (11th Cir. 1982). “[T]he power to stay proceedings is

incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." Landis, 299 U.S. at 166. This authority extends to cases in which a transfer decision by the MDL Panel is pending. [Footnote: The existence of a conditional transfer order does not divest the transferor court of jurisdiction, 18 U.S.C. § 1407; JPML Rule 1.5.] See, e.g., Hertz Corp. v. The Gator Corp., 250 F.Supp.2d 421, 424 (D.N.J. 2003). The existence of jurisdictional objections do not affect either the transferor court's ability to issue a stay or the MDL Panel's authority to transfer an action. Moore v. Wyeth-Ayerst Laboratories, 236 F.Supp.2d 509, 512 (D. Md. 2002).

A stay of proceedings in potential MDL cases is appropriate when it promotes judicial economy and efficiency. Rivers v. Walt Disney Co., 908 F.Supp. 1358, 1360 (C.D. Cal. 1997). When jurisdictional issues are raised that may arise "in hundreds or even thousands of cases throughout the nation. . . consistency as well as economy [are] . . . served" by having those issues decided by a single court. In re Ivy, 901 F.2d 7, 9 (2nd Cir. 1990); accord In re Air Crash Disaster at Florida Everglades, 368 F.Supp. 812 (J.P.M.L. 1973). Consequently, a stay is proper where the motion to remand raises issues that have been or are likely to be decided by the transferee court. See, e.g., Gonzalez v. American Home Products Corp., 223 F.Supp.2d 803 (S.D. Tex. 2002) (granting motion to stay despite pending motion to remand because dispositive issue was probably common to other related MDL cases); Moore, 236 F.Supp.2d at 510-11 (granting motion to stay where transferee court had already decided similar motions to remand); Medical Society of State of New York v. Connecticut General Corp., 187 F.Supp.2d 89 (S.D.N.Y. 2001) (same); but see Shields v. Bridgestone/Firestone, Inc., 232 F.Supp.2d 715 (E.D. Tex. 2002) (denying motion to stay and deciding motion to remand in case pending MDL transfer); Good v. Prudential Ins. Co. of America, 5 F.Supp.2d 804 (N.D. Cal. 1998) (same).

The jurisdictional issue in this case is whether the individual defendants, who are current or former sales representatives for Wyeth, were fraudulently joined to defeat federal subject matter jurisdiction. Motions to remand involving fraudulent joinder have been addressed numerous times by the transferee court. See, e.g., In re Diet Drugs Liability Litigation, ___ F.Supp.2d ___, 2003 WL 22931359 (E.D. Pa. July 30, 2003); id., 2003 WL 21973329 (E.D. Pa. June 12, 2003) (applying Alabama law to case removed from Alabama state court); id. 220 F.Supp.2d 414 (E.D. Pa. 2002); id. 2000 WL 1886594 (E.D. Pa. Dec. 7, 2000); id. 2000 WL 217509 (E.D. Pa. Feb. 15, 2000); id. 1999 WL 554584 (E.D. Pa. July 16, 1999) (applying Alabama law to case removed from Alabama state court); id. 1999 WL 554608 (E.D. Pa. June 29, 1999); id. 1198 WL 254967 (E.D. Pa. Apr. 16, 1998). In fact, one of the transferee court's orders denying remand addressed the alleged fraudulent joinder of a pharmaceutical sales representative in a case removed from Alabama state court. In re Diet Drugs Liability Litigation, 2003 W. 21973329 (E.D. Pa. June 12, 2003).

Case 2:05-cv-00425-CG-M Document 16 Filed 08/17/2005 Page 3 of 3

In the interest of judicial economy and to avoid inconsistent results, the motion to stay is hereby **GRANTED**. This stay will remain in effect until the Court is notified of the MDL Panel's decision as to whether to transfer this action.

Id. at Doc. 12, Order dated February 13, 2004. The undersigned judge agrees with the reasoning of the above quoted order and finds the analysis applicable to the instant case. Thus, the court finds it appropriate to stay this case.

CONCLUSION

For the above stated reasons, defendant's motion to stay (Doc. 3) is **GRANTED** and this case is hereby **STAYED**. This stay will remain in effect until the court is notified of the MDL Panel's decision as to whether to transfer this action.

DONE and ORDERED this 17th day of August, 2005.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE

FILED

2006 Jan-09 AM 10:12
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

GERALD E. ROBINSON, SR.; HARRY
HUGHDON TAFT; MINNIE MAE
MOSS; AURELIA D. PITTS,

PLAINTIFFS,

v.

MERCK & CO., INC., a New Jersey
corporation; PFIZER, INC., a Delaware
corporation; PHARMACIA & UPJOHN
COMPANY, a Delaware company;
PHARMACIA CORPORATION, a
Delaware corporation formerly known as
1933 Monsanto; G.D. SEARLE, LLC, a
Delaware corporation,

DEFENDANTS.

CASE NO. CV 05-B-2515-S

ORDER

This case is before the court on the Motion by Defendant Merck & Co., Inc. to Stay all Proceedings Pending Transfer Decision by the Judicial Panel on Multidistrict Litigation filed on December 30, 2005. The motion is **GRANTED**. All proceedings in this action are **STAYED** pending a determination on the transfer of the claims against it to the MDL proceeding in the Eastern District of Louisiana.

_____ DONE this 9th day of January, 2006.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE

STAY

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:06-cv-00269-RDP**

Arnold et al v. Merck & Co., Inc.
Assigned to: Judge R David Proctor
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 02/06/2006
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Freddie Walker Arnold
*as Personal Representative of the Estate of
VELMA LEE WALKER, deceased*

represented by **Tom Dutton**
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ATTORNEY TO BE NOTICED

Plaintiff

Hazel Nye
an individual

represented by **Tom Dutton**
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ATTORNEY TO BE NOTICED

Plaintiff

Judy Smith
an individual

represented by **Tom Dutton**
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Plaintiff

Mary Jeannine Davis Grice
*as Personal Representative of the Estate of
DONAL HUGH DAVIS, SR., deceased*

represented by **Tom Dutton**
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Plaintiff

Ernestine Hatter
an individual

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ATTORNEY TO BE NOTICED

Plaintiff

Marsha Murphy
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V.

Defendant

Merck & Co., Inc.
a New Jersey corporation

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Date Filed	#	Docket Text
02/06/2006	1	COMPLAINT against Merck & Co., Inc. (Filing fee \$ 250.00, receipt # 200 223054.) , filed by Ernestine Hatter, Marsha Murphy, Freddie Walker Arnold, Hazel Nye, Judy Smith, Mary Jeannine Davis Grice with certified mail request filed within.(KSS,) (Entered: 02/07/2006)
02/07/2006	2	Summons Issued as to Merck & Co., Inc., mailed certified mail. (KSS,) (Entered: 02/07/2006)
02/10/2006	3	SUMMONS Returned Executed as to Merck & Co., Inc. served on 2/8/2006, answer due 2/28/2006. (KSS,) (Entered: 02/10/2006)
02/27/2006	4	ANSWER to Complaint with Jury Demand by Merck & Co., Inc..(Seibel, Anne)

		(Entered: 02/27/2006)
02/27/2006	<u>5</u>	MOTION to Stay <i>Proceedings Pending Transfer Decision by the Judicial Panel on Multidistrict Litigation</i> by Merck & Co., Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G)(Seibel, Anne) (Entered: 02/27/2006)
02/27/2006	<u>6</u>	Corporate Disclosure Statement by Merck & Co., Inc.. (Seibel, Anne) (Entered: 02/27/2006)
02/28/2006	<u>7</u>	ALND UNIFORM INITIAL ORDER reminding parties of their obligations under FRCP 26(f) and LR 26.1(d) with appendices attached. Signed by Judge R David Proctor on 2/28/2006. (KSS,) (Entered: 02/28/2006)
02/28/2006		ORDER granting <u>5</u> Motion to Stay proceedings pending transfer decision by the Judicial Panel on Multidistrict Litigation. Signed by Judge R David Proctor on 02/28/06. (SFR,) (Entered: 02/28/2006)

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02/28/2006 16:33:31			
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Billable Pages:	2	Cost:	0.16

**U.S. District Court
Northern District of Alabama (Jasper)
CIVIL DOCKET FOR CASE #: 6:06-cv-00143-JEO**

Miller v. Merck & Co., Inc., et al
Assigned to: Magistrate-Judge John E Ott
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/23/2006
Jury Demand: Defendant
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

ReDonna Earle Wakefield Miller
*Administratrix of the Estate of Charles Ray
Miller, Deceased*

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V.

Defendant

Merck & Co., Inc.,
*and or doing business as Merck Corporation,
and or doing business as Merck
Pharmaceutical Division*

represented by **Anne Marie Seibel**
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Defendant

Kelly Norris

*an individual citizen within the State of
Alabama*

Defendant

Regional Paramedical Services, Inc
*a/k/a and or d/b/a RPS, an Alabama
Corporation*

represented by **Wayne Morse, Jr**
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Defendant**David Pharris***an individual citizen within the State of Alabama*

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Defendant**Mike Dotson***an individual citizen of the State of Alabama*

represented by **Wayne Morse, Jr**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/23/2006	<u>1</u>	NOTICE OF REMOVAL by Merck & Co., Inc from Circuit Court Walker County, AL, case number CV 2005-748 (Filing fee \$250 receipt # 200 222591) filed (Exhibits E and F pending due to motion to seal documents to be filed) (Attachments: # <u>1</u> Exhibit A Letter, Summons, Complaint# <u>2</u> Exhibit B Notice of Filing Notice of Removal# <u>3</u> Exhibit C Jury Awards in AEMLD Cases# <u>4</u> Exhibit D Order from Southern District of Mississippi# <u>5</u> Exhibit G re: Baycol Products Litigation list# <u>6</u> Exhibit H Memorandum Opinion from USDC NDAL)(KGE,) (Entered: 01/25/2006)
01/23/2006	<u>2</u>	ANSWER to Complaint with Jury Demand by Merck & Co., Inc.,(KGE,) (Entered: 01/25/2006)
01/23/2006	<u>3</u>	NOTICE of Corporate Disclosure by Merck & Co., Inc., (KGE,) (Entered: 01/25/2006)
01/23/2006	<u>4</u>	MOTION to Stay all proceedings pending transfer decision by the Judicial Panel on Multidistrict Litigation re <u>1</u> Notice of Removal,, by Merck & Co., Inc., (Attachments: # <u>1</u> Exhibit A Transfer Order# <u>2</u> Exhibit B Transfer Order# <u>3</u> Exhibit C Order of Transfer# <u>4</u> Exhibit D Transfer Order# <u>5</u> Exhibit E Order from USDC NDAL# <u>6</u> Exhibit F Order from USDC NDAL# <u>7</u> Exhibit G Westlaw case)(KGE,) (Entered: 01/25/2006)
01/25/2006	<u>5</u>	MOTION to Seal Exhibits "E" and "F" to Notice of Removal by Merck & Co., Inc., (Allen, F) (Entered: 01/25/2006)
01/26/2006	<u>6</u>	MOTION to Dismiss or in the Alternative to Quash Service of Process by Mike Dotson, David Pharris. (Morse, Wayne) (Entered: 01/26/2006)
01/26/2006	<u>7</u>	Evidentiary Material re: <u>6</u> MOTION to Dismiss or in the Alternative to Quash Service of Process Memorandum of Points and Authorities in Support of Motion to Dismiss, or in the Alternative to Quash Service of Process. (Morse, Wayne) (Entered: 01/26/2006)
01/26/2006	<u>8</u>	ANSWER to Complaint with Jury Demand by Regional Paramedical Services, Inc. (Attachments: # <u>1</u> Supplement Second part of Answer)(Morse, Wayne) (Entered: 01/26/2006)
01/27/2006	<u>9</u>	Corporate Disclosure Statement by Regional Paramedical Services, Inc. (Morse, Wayne) (Entered: 01/27/2006)
01/31/2006		ORDER granting the motion to seal exhibits (E) & (F). <u>5</u> The clerk is directed to seal the same. The motion to stay <u>4</u> is also granted pending MDL review. Signed by Judge John E. Ott on 1/31/2006. (Ott, John). (Entered: 01/31/2006)

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STAY

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:06-cv-00623-HGD**

Palmes et al v. Merck & Co., Inc.
Assigned to: Magistrate-Judge Harwell G Davis, III
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 03/29/2006
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Howard Palmes

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Plaintiff

Shirley Palmes

represented by **Leila H Watson**
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V.

Defendant

Merck & Co., Inc.

represented by **Anne Marie Seibel**
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Date Filed	#	Docket Text
03/29/2006	<u>1</u>	COMPLAINT against Merck & Co., Inc. (Filing fee \$ 250.00 w/ receipt #200 224653) filed by Howard Palmes and Shirley Palmes.(SPT,) (Entered: 03/30/2006)
04/17/2006	<u>2</u>	ANSWER to Complaint with Jury Demand by Merck & Co., Inc..(Mitchell, Elizabeth) (Entered: 04/17/2006)
04/17/2006	<u>3</u>	Joint MOTION to Stay <i>All Proceedings Pending Transfer of This Action to MDL-1657</i> by Merck & Co., Inc.. (Attachments: # <u>1</u> Exhibit A)(Mitchell, Elizabeth) (Entered: 04/17/2006)
04/17/2006	<u>4</u>	Corporate Disclosure Statement by Merck & Co., Inc.. (Mitchell, Elizabeth) (Entered: 04/17/2006)
04/17/2006		ORDER granting <u>3</u> Motion to Stay. Signed by Judge Harwell G Davis III on 04/17/06. (LBG,) (Entered: 04/17/2006)

PACER Service Center			
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04/17/2006 12:58:08			
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Billable Pages:	1	Cost:	0.08

STAY

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:06-cv-00226-WMA**

Partin v. Merck & Co, Inc et al
Assigned to: Judge William M Acker, Jr
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/31/2006
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Louise Partin
an individual

represented by **Joseph L Tucker**
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V.

Defendant

Merck & Co, Inc
a foreign corporation

represented by **Anne Marie Seibel**
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Defendant

Richard Ryan
an individual

Defendant

Robert Wall
an individual

represented by **Anne Marie Seibel**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Brislin Mitchell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

F Wendell Allen

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

F M Haston, III
(See above for address)
LEAD ATTORNEY
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Hallman B Eady
(See above for address)
LEAD ATTORNEY
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Defendant

Gary Harlan
an individual

represented by **Anne Marie Seibel**
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LEAD ATTORNEY
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Elizabeth Brislin Mitchell
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Hallman B Eady
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LEAD ATTORNEY
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Defendant

Sonya Coley
an individual

Defendant

Reggie Ray, III
an individual

represented by **Anne Marie Seibel**
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LEAD ATTORNEY
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Elizabeth Brislin Mitchell
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F Wendell Allen

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F M Haston, III
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Hallman B Eady
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LEAD ATTORNEY
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Defendant

Beverly Anderson
an individual

Defendant

Matthew King
an individual

represented by **Anne Marie Seibel**
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Elizabeth Brislin Mitchell
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F M Haston, III
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Hallman B Eady
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Defendant

Patricia Aiken
an individual

represented by **Anne Marie Seibel**
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Elizabeth Brislin Mitchell
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F M Haston, III

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ATTORNEY TO BE NOTICED

Hallman B Eady
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Angela Finch
an individual

represented by **Anne Marie Seibel**
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/31/2006	1	NOTICE OF REMOVAL by Merck & Co, Inc, from Circuit Court, Jefferson County, AL, case number CV2006-00026 (Filing fee \$250 receipt #200 222795) filed (Attachments: # 1 Exhibit A Complaint, Summons# 2 Exhibit B Notice of Filing Notice of Removal# 3 Exhibit C Jury Awards# 4 Exhibit D Order Denying Plas Motion to Remand# 5 Exhibit E Declarations of dfts# 6 Exhibit F Report and Recommendation# 7 Exhibit G Baycol Products Litigation# 8 Exhibit H Memorandum Opinion)(KGE,) (Entered: 02/01/2006)
01/31/2006	2	NOTICE of Corporate Disclosure by Merck & Co, Inc (KGE,) (Entered: 02/01/2006)
01/31/2006	3	ANSWER to Complaint with JURY DEMAND by Merck & Co, Inc.(KGE,) (Entered: 02/01/2006)
01/31/2006	4	MOTION to Dismiss by Gary Harlan. (KGE,) (Entered: 02/01/2006)
01/31/2006	5	MOTION to Dismiss by Robert Wall. (KGE,) (Entered: 02/01/2006)
01/31/2006	6	MOTION to Dismiss by Patricia Aiken. (KGE,) (Entered: 02/01/2006)
01/31/2006	7	MOTION to Dismiss by Reggie Ray, III. (KGE,) (Entered: 02/01/2006)
01/31/2006	8	MOTION to Dismiss by Matthew King. (KGE,) (Entered: 02/01/2006)
01/31/2006	9	MOTION to Stay pending transfer decision by the Judicial Panel on Multidistrict Litigation by Merck & Co, Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G)(KGE,) (Entered: 02/01/2006)
02/06/2006	10	Evidentiary Submission in Support of Notice of Removal by Merck & Co Inc (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3)(Seibel, Anne) (Entered: 02/06/2006)
02/06/2006	11	MOTION to Dismiss by Angela Finch. (Seibel, Anne) (Entered: 02/06/2006)
02/06/2006	12	AMENDED ANSWER to <i>Plaintiff's Complaint</i> by Merck & Co, Inc. (Seibel, Anne) (Entered: 02/06/2006)
02/07/2006		ORDER granting 9 Motion to Stay all proceedings pending transfer decision by the judicial panel on multidistrict litigation. Signed by Judge William M Acker Jr on 02/07/06. (SKB,) (Entered: 02/07/2006)

Transaction Receipt			
02/07/2006 09:15:54			
PACER Login:	ba0105	Client Code:	
Description:	Docket Report	Search Criteria:	2:06-cv-00226-WMA
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FILED

2006 Mar-07 PM 04:32
U.S. DISTRICT COURT
N.D. OF ALABAMA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PEARLINE COHILL CALHOUN,)
as personal representative of the)
Estate of Otis Fernell Calhoun,)
deceased, et al.,)

Plaintiffs,)

vs.)

CV 06-J-0268-S

MERCK & CO. INC., et al.,)

Defendants.)

ORDER

Defendant Merck having filed motion to stay (doc. 8) and defendants Pfizer, Upjohn, Pharmacia, and Searle having filed motion to stay all proceedings pending transfer decision by the Judicial Panel on Multidistrict Litigation (doc. 12), and the court having considered said motions and plaintiffs' response (doc. 14) and the being of the opinion said motions are due to be granted,

It is therefore ORDERED that said motions to stay are GRANTED, and this action is STAYED pending transfer decision by the Judicial Panel on Multidistrict Litigation.

DONE and ORDERED this 7th day of March 2006.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE